

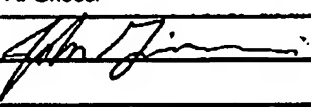
PTO/SB/21 (09-06)

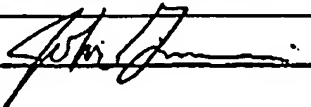
Approved for use through 03/31/2007. OMB 0351-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/800,258	
	Filing Date	June 20, 2003	
	First Named Inventor	MACCREADY, Paul B.	
	Art Unit	3644	
	Examiner Name	HOLZEN, Stephen A.	
Total Number of Pages in This Submission	15	Attorney Docket Number	AVI 1005-04US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b> The Request for Refund includes Exhibit A, "Petition for Refund of Extension Fees" and Exhibit B, a copy of a return postcard, dated stamped "March 22, 2004" as received by the OIPE.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	The Law Office of John A. Griecci	
Signature		
Printed name	John A. Griecci	
Date	October 17, 2007	Reg. No. 39,694

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	John A. Griecci	Date October 17, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No. : 10/600,258 Confirmation No. 7491  
Applicant : MACCREADY et al.  
5 Filed : June 20, 2003  
Art Unit : 3746  
Examiner : HOLZEN, Steven A.  
  
Docket No. : AVI 1005-04US  
10 Customer No. : 28327  
Date: : October 17, 2007

Mail Stop: Office of Finance  
Honorable Commissioner for Patents  
15 P.O. Box 1450  
Alexandria, VA 22313-1450

### REQUEST FOR REFUND

20 Dear Sir:

#### I. REQUEST

Applicants previously mailed a Petition to Refund Extension Fees ("the Petition")  
25 of a four month extension of time fee in the amount of \$740.00, to the Patent  
Office for the above-identified patent application. The Petition apparently became  
misplaced at the Patent Office, and no reply to the Petition was made by the Patent  
Office. Furthermore, no refund of the extension fees has been received by  
Applicants. The present Request for Refund requests that the extension of time  
30 fees, in the amount of \$740.00, as well as the fee paid for the Petition, in the  
amount of \$130.00, be refunded to the Applicants, a total requested refund amount  
equal to \$870.00.

#### II. RELEVANT DATES AND OCCURANCES

35 March 17, 2004: A Petition to Refund Extension Fees (copy attached, as Exhibit  
A), accompanied by check number 3220 in the amount of \$130.00 for the  
Petition, was mailed to the Commissioner for Patents at Mail Stop  
"Petitions," petitioning for a refund of a four month extension of time fee  
40 that was mailed with a Response to Missing Parts (dated February 26,

Appl. No. 10/600,258

Request for Refund, dated October 17, 2007

2004). As can be seen in Exhibit A, the Petition explained in detail the circumstances that led to Applicants petitioning for a refund of the extension fees. Please refer to the attached copy of the Petition for the circumstances that led to the Petition being filed by Applicants.

March 22, 2004: The return receipt postcard sent with the Petition was date stamped as received by the OIPE at the Patent Office, and the postcard was returned by mail to Applicants. A copy of the postcard as stamped by OIPE is also attached (see Exhibit B).

October 4, 2007: It came to the attention of Applicants' attorney during preparation of the fees due for a Notice of Allowance in the application, that the Petition was never answered by the Patent Office, and that a refund was never made to Applicants.

October 5, 2007: Applicants' attorney contacted the Petitions Department at the Patent Office by telephone to request a status of the Petition, and was informed that there was no record of the Petition. A Ms. Patricia Ball, in the Petitions Department, suggested that the Petition may have been forwarded to the Refunds Department in the Office of Finance. However, a subsequent call to the Refunds Department was also unable to locate the Petition. During the telephone conversations, it was recommended that a Request for Refund be made for both the original overpayment of fees, as well as the petition fee and sent by facsimile to the Refunds Department.

### III. EXPLANATION OF WHY A REFUND IS APPROPRIATE

As can be seen from the attached Exhibit A, Applicants properly requested a refund of the overpayment of fees within the two year statutory limit to request a refund. Since the Petition was received by the Patent Office (as confirmed by the stamped, return postcard) yet not responded to, nor a refund made, Applicants again request

Appl. No. 10/600,258  
Request for Refund, dated October 17, 2007

a refund of the extension fees overpaid. As the Petition was never considered by the Patent Office, Applicants also believe the petition fee should be refunded.


IV. MANNER OF REFUND

Applicants respectfully requests a refund of \$870.00 (~~\$740.00~~ four month extension fees, plus \$130.00 petition fee) be credited to Deposit Account No. 50-1809, and that the Law Office of John A. Griecci be notified that the refund has occurred.

Please do not hesitate to contact me at the telephone number listed below if you have any questions regarding this request.

Respectfully submitted,

By:

  
John A. Griecci  
Registration No. 39,694

The Law Office of John A. Griecci  
703 Pier Avenue, Suite B #657  
Hermosa Beach, California 90254  
(310) 376-6527 (phone)  
(310) 376-6529 (facsimile)

Exhibit "A," page 2

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
This collection of information is required by the Paperwork Reduction Project (07/31/2006) unless it displays a valid OMB control number.

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 130.00)

**Complete if Known**

Application Number	10/600,258
Filing Date	June 20, 2003
First Named Inventor	MacCready, Paul B.
Examiner Name	
Art Unit	3746
Attorney Docket No.	AVI 1005-04US

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

501809

Law Office of John A. Griecci

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 630	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-5** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 65	2201 43	Independent claims in excess of 3	
1203 280	2203 145	Multiple dependent claim, if not paid	
1204 65	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity - Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 80	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 65	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,610	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(i)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

**SUBMITTED BY**

Name (Print/Type)

John A. Griecci

Registration No.

(Attorney/Agent)

39,694

(Complete if applicable)

Telephone (310) 376-6527

Signature

Date

March 17, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS!

BEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Exhibit "A" page 1

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0631-0001

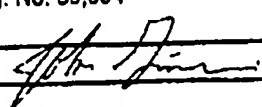
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE


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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/600,258	
	Filing Date	June 20, 2003	
	First Named Inventor	MacCready, Paul B.	
	Art Unit	3746	
	Examiner Name		
Total Number of Pages in This Submission	9	Attorney Docket Number	AVI 1005-04US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.63		

COPY

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John Griecci, Reg. No. 39,694
Signature	
Date	March 17, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	John Griecci	Date	March 17, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Exhibit "A" page 3

PTO/SB/17 (10-03)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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<h1>FEE TRANSMITTAL</h1> <h2>for FY 2004</h2> <p>Effective 10/01/2003. Patent fees are subject to annual revision.</p>		Complete If Known	
		Application Number	10/800,258
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	June 20, 2003
		First Named Inventor	MacCready, Paul B.
		Examiner Name	
TOTAL AMOUNT OF PAYMENT		Art Unit	3746
(\$ 130.00)		Attorney Docket No.	AVI 1005-04US

<b>METHOD OF PAYMENT (check all that apply)</b> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number: 501809 Deposit Account Name: Law Office of John A. Griecci The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		<b>FEE CALCULATION (continued)</b> <b>3. ADDITIONAL FEES</b> Large Entity Small Entity																																																																																																																																																													
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1812 2,520	1812 2,520	For filing a request for ex parte reexamination																																																																																																																																																													
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																													
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																													
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1452 110	2452 55	Petition to revive - unavoidable																																																																																																																																																													
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<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>20** =</td> <td>X</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td>3** =</td> <td>X</td> <td></td> </tr> </tbody> </table>		Total Claims	Extra Claims	Fee from below	Fee Paid	Independent Claims	20** =	X		Multiple Dependent	3** =	X		<table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1202 18</td> <td>2202 9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201 88</td> <td>2201 43</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203 290</td> <td>2203 145</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204 88</td> <td>2204 43</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205 18</td> <td>2205 9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="3">SUBTOTAL (2)</td> <td>(\$)</td> </tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1202 18	2202 9	Claims in excess of 20		1201 88	2201 43	Independent claims in excess of 3		1203 290	2203 145	Multiple dependent claim, if not paid		1204 88	2204 43	** Reissue independent claims over original patent		1205 18	2205 9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)			(\$)																																																																																																																				
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\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Registration No.		(Complete if applicable)	
Name (Print/Type)	John A. Griecci	18094	39,694	Telephone	(310) 378-6527
Signature	<i>John A. Griecci</i>	Date	March 17, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Exhibit "A" page 4

Confirmation No. 7491

5      Application No. : 10/600,258  
Applicant : MACCREADY et al.  
Filed : June 20, 2003  
Art Unit : 3746  
Examiner :

10      Docket No. : AVI 1005-04US  
Customer No. : 28327  
Date: : March 17, 2004

15      Mail Stop: Petition  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COPY

## PETITION TO REFUND EXTENSION FEES

20      Dear Sir:

I.      REQUEST

25      Applicants previously filed a petition for a four month extension of time and a  
check for \$740.00, along with a reply to a Notice of Missing Parts ("the Notice").  
The present petition requests that the extension of time fees, in the amount of  
\$740.00, be refunded to the Applicants.

II.     RELEVANT DATES AND OCCURANCES

30

August 27, 2003: The Notice was apparently mailed by the Patent Office to The  
Law Office of John A. Griecci (the "Law Office"), with a shortened  
statutory deadline of two months. The Notice recites the correct  
correspondence address, but was never received by the Law Office.

35

February 5, 2004: Attorney John Griecci of the Law Office contacted the Patent  
Office by telephone to request the status of the application, and was  
informed of the mailing date of the Notice. At Mr. Griecci's request, the  
Patent Office agreed to send a courtesy copy of the Notice to the Law  
Office by facsimile. Mr. Griecci made a search of the file at the Law Office

40



Appl. No. 10/600,258  
Request for Refund

Exhibit 'A', page 5

and verified that the Notice had not been received. Enclosed is a phone memoranda prepared on February 5, 2004, recording the subject discussed in the telephone call.

COPY

5 February 10, 2004: After a second request by Mr. Griecci, a courtesy copy of the Notice was sent to the Law Office by facsimile. Enclosed please find a copy of a cover letter that accompanied the Notice.

10 February 26, 2004: Applicants filed a response to the Notice, along with a petition for a four month extension of time to respond to the Notice. That petition required the payment of a \$740.00 fee under 37 C.F.R. 1.17(a)(4). Enclosed please find a copy of the petition for a four month extension of time to respond to the Notice.

15 III. EXPLANATION OF WHY A REFUND IS APPROPRIATE

On February 5, 2004, an inquiry to the Patent Office by the Law Office resulted in Applicants learning that the Notice had apparently been mailed over five months prior to that date. Applicants prepared and filed a response to the Notice during the three weeks remaining within the 6 month statutory period for the Notice.

20 Had the Law Office not checked on the status of the application, Applicants' first knowledge of the Notice would have been upon receipt of a Notice of Abandonment. In that case, Applicants would have been entitled to petition for revival of the application as unavoidably abandoned, with only the payment of a \$55.00 petition fee. It is inappropriate for Applicants to be penalized with a \$740.00 extension fee simply because they were diligent enough to discover the problem prior to abandonment.

30 Therefore, it is appropriate to reset the response period of the Notice of Missing Parts to run from February 5, 2004, the date Applicants first learned that it had

Appl. No. 10/600,258  
Request for Refund

Exhibit "A" page 6

been mailed. It is further appropriate to then refund the extension of time fee paid by Applicants.

In the alternative, it is appropriate for the Patent Office to remove the shortened statutory deadline, which is applied at the prerogative of the Commissioner. As noted above, it is further appropriate to then refund the extension of time fee paid by Applicants.


COPY

IV. MANNER OF REFUND

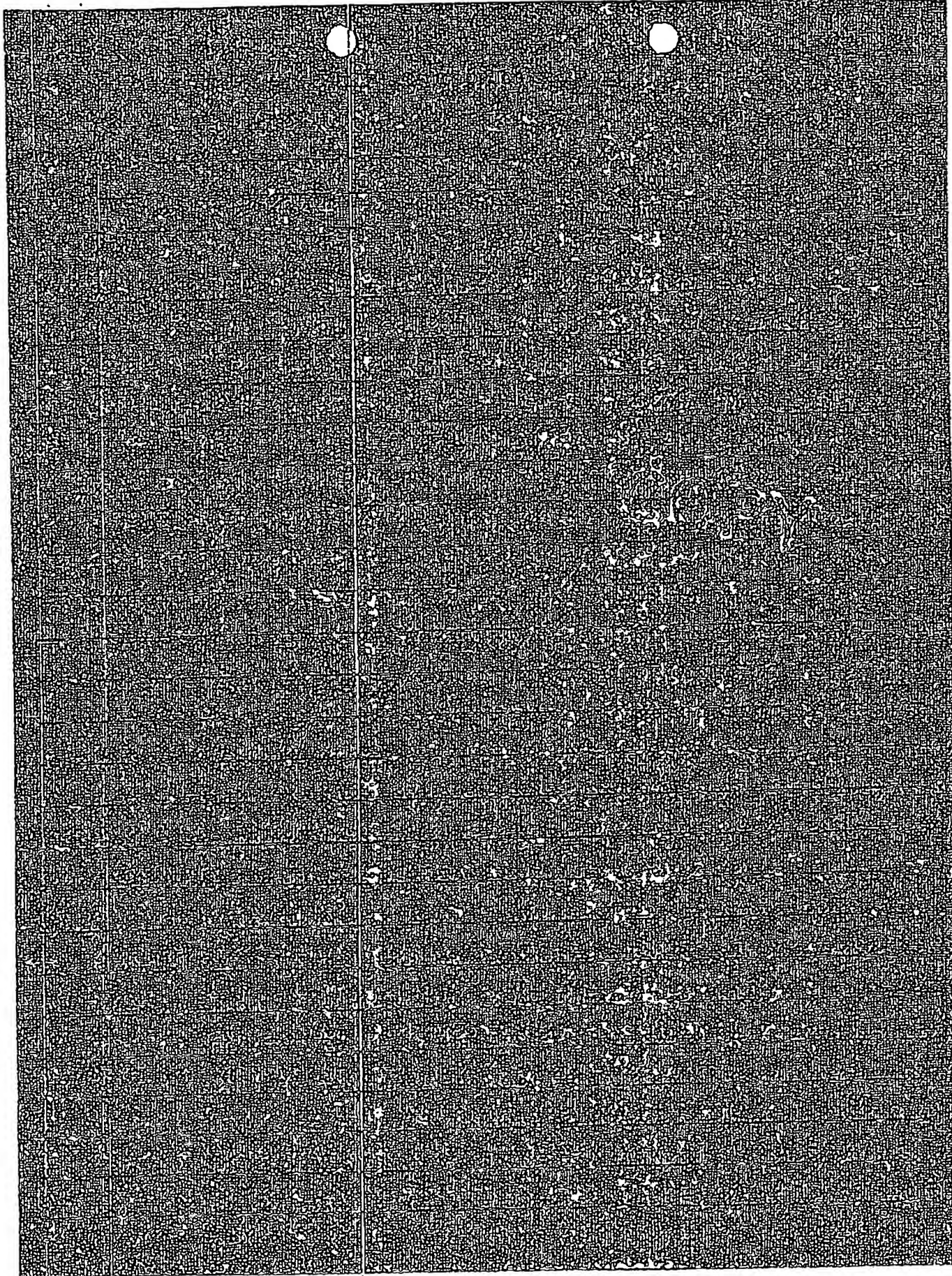
Applicants respectfully requests a refund of \$740.00 be credited to Deposit Account No. 50-1809, and that the Law Office of John A. Griecci be notified that the refund has occurred.

Respectfully submitted,

By:

  
John A. Griecci  
Registration No. 39,694

The Law Office of John A. Griecci  
703 Pier Avenue, Suite B #657  
Hermosa Beach, California 90254  
(310) 376-6527 (phone)  
(310) 376-6529 (facsimile)



02/10/04 14:59

003

Page 1 of 1

Exhibit 'A' page 8



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,258	06/20/2003	Paul MacCready	AV11003-04US

CONFIRMATION NO. 7491

RESEND COVER LETTER



\*OC00000011875180\*

28327

THE LAW OFFICE OF JOHN A. GRIECCI  
703 PIER AVE., SUITE 8 #657  
HERMOSA BEACH, CA 90254

Date Mailed: 02/11/2004

## COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 08/27/2003 is enclosed. The time period for reply continues to run from the mail date of that Notice.

COPY  
COPY

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Exhibit "A" page 9

PTO/SB/22 (08-03)

Approved for use through 7/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional)		AVI 1005-04US
In re Application of		MACCREADY et al.		
Application Number		10/800,258	Filed	June 20, 2003
For		HYDROGEN POWERED AIRCRAFT		
Art Unit		3746	Examiner	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1,480.00
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 740.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1809.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

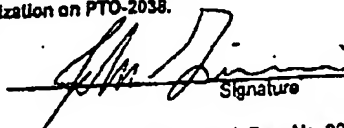
☒ attorney or agent of record. Registration Number 39,694

☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) 39,694

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 26, 2004  
Date

(310) 376-6527  
Telephone Number

  
Signature

John Grieco, Reg. No. 39,694  
Typed or printed name

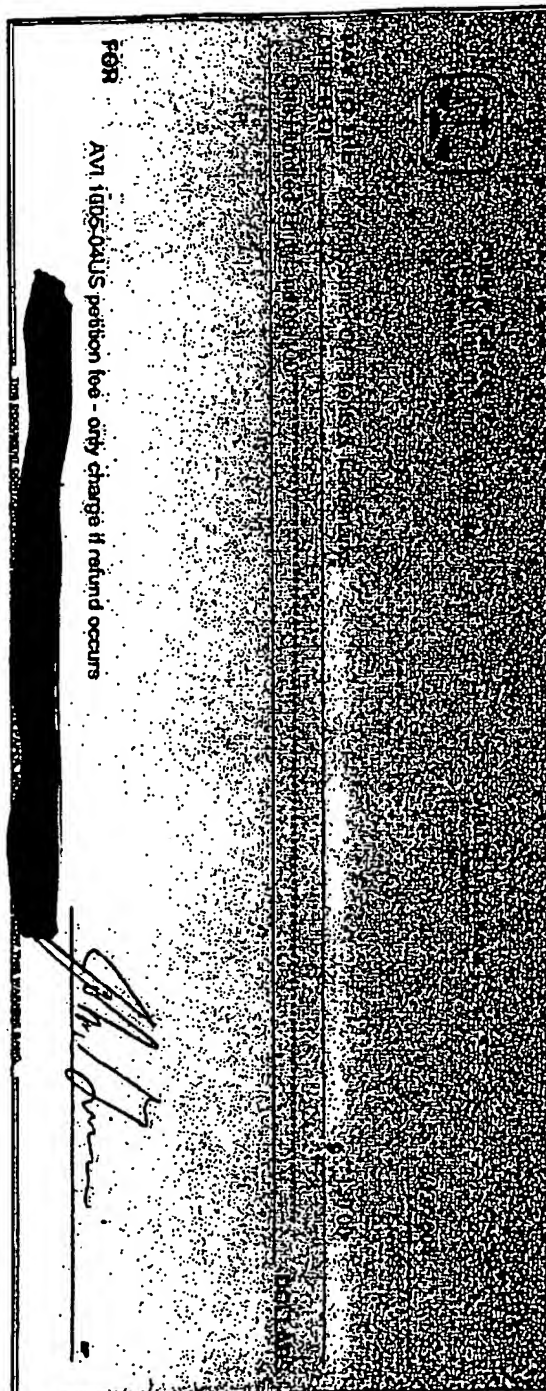
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of one (1) forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Exhibit "A", page 10



COPY

Exhibit "B"

Please date stamp and acknowledge receipt of the accompanying:

- X Transmittal Form Date Mailed: March 17, 2004  
X Fee Transmittal (in duplicate) Check No(s): 3220 for \$130.00  
X Petition to Refund Extension Fees, including:  
- Copy: The Law Office of John A. Grieci memoranda  
- Copy: Cover Letter for Resending Correspondence  
- Copy: Petition for Extension of Time Under 37 C.F.R. 1.136

Serial No.: 10/600,258 Filing Date: June 20, 2003  
Title: HYDROGEN POWERED AIRCRAFT  
First Applicant's Name: MAOCCREADY, Paul B.  
Examiner: Not yet assigned Group Art Unit: 3746  
Attorney Docket No.: AVI 1005-04US Conf. No.: 7491

Grieci Client: AeroVironment

COPY





Application No. : 10/600,258  
Applicant : MACCREADY et al.  
5 Filed : June 20, 2003  
Art Unit : 3746  
Examiner :

Confirmation No. 7491

Docket No. : AVI 1005-04US  
10 Customer No. : 28327  
Date: : March 17, 2004

Mail Stop: Petition  
Honorable Commissioner for Patents  
15 P.O. Box 1450  
Alexandria, VA 22313-1450

### PETITION TO REFUND EXTENSION FEES

20 Dear Sir:

#### I. REQUEST

Applicants previously filed a petition for a four month extension of time and a  
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The present petition requests that the extension of time fees, in the amount of  
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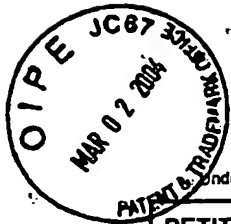
#### II. RELEVANT DATES AND OCCURANCES

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Law Office of John A. Griecci (the "Law Office"), with a shortened  
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Adjustment date: 08/14/2008 HDESTAT1 0012334900  
03/23/2004 AWUNDAF1 00000029 10600258 -130.00 OP  
01 FC:1460  
RepIn. Ref: 08/14/2008 HDESTAT1 0012334900  
DAH:501809 Name/Number:10600258  
FC: 9204 \$130.00 CR  
Adjustment date: 08/14/2008 HDESTAT1  
03/05/2004 AWUNDAF1 00000045 10600258 -740.00 OP  
01 FC:2254





<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional) AVI 1005-04US	
In re Application of		MACCREADY et al.	
Application Number	10/600,258	Filed	June 20, 2003
For <b>HYDROGEN POWERED AIRCRAFT</b>			
Art Unit	3746	Examiner	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ \_\_\_\_\_
- ☐ Two months (37 CFR 1.17(a)(2)) \$ \_\_\_\_\_
- ☐ Three months (37 CFR 1.17(a)(3)) \$ \_\_\_\_\_
- ☒ Four months (37 CFR 1.17(a)(4)) \$ 1,480.00
- ☐ Five months (37 CFR 1.17(a)(5)) \$ \_\_\_\_\_

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 740.00 03/05/2004 DTESSEM1 00000015 10600258
- ☒ A check in the amount of the fee is enclosed. 05 FC:2254 740.00 DP
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1809

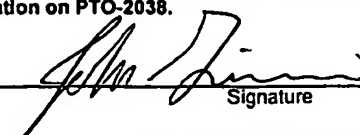
I have enclosed a duplicate copy of this sheet.

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- ☒ attorney or agent of record. Registration Number 39,694
- ☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) 39,694

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 26, 2004  
\_\_\_\_\_  
Date

(310) 376-6527  
\_\_\_\_\_  
Telephone Number

  
\_\_\_\_\_  
Signature

John Griecci, Reg. No. 39,694  
\_\_\_\_\_  
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

- ☒ Total of one (1) forms are submitted.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

0012314700  
Ref: 08/14/2004 HDESTAT  
Name/Number: 10600258  
\$740.00 CR  
Regin. Ref: 08/14/2004 HDESTAT  
DAH: 501809  
FC: 9204  
Adjustment date 08/14/08 HDESTAT  
03/05/2004 DTESSEM1 00000015 10600258  
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